

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KIMBERLEY A. CARPENTER, ARTHUR ACKERT,  
JR., ARTHUR ACKERT, SR., DENNIS LORE, and  
SUPERIOR WALLS OF THE HUDSON VALLEY,  
INC.,

Plaintiffs,

- against -

MARIE PUPKE and EIFFEL INVESTMENT GROUP Civil Action No. 07-civ-5689  
AND ASSOCIATES, LLC., (UA/LMS)

Defendants.

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EIFFEL INVESTMENT GROUP AND  
ASSOCIATES, LLC.,

Counterclaim-Plaintiff,

- against -

KIMBERLEY A. CARPENTER, ARTHUR ACKERT,  
JR., DENNIS LORE, SUPERIOR WALLS OF THE  
HUDSON VALLEY, INC.,AACK LAND  
DEVELOPMENT, LLC., FAIRVIEW BLOCK AND  
SUPPLY CORP., and HORIZON REAL PROPERTY  
DEVELPOMENT, LLC.,

Counterclaim-Defendants.

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1. This case is to be tried to a jury.

2. Initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1) have been exchanged or

shall be exchanged by August 17, 2007, which is within 30 days after service on the last defendant to be served.

3. No additional parties may be joined after September 20, 2007. *November 23, 2007* *WKL*
4. No pleading may be amended after ~~September 20, 2007~~ *ce*
5. All discovery, including expert discovery, must be completed on or before March 21, 2008. (For personal injury, civil rights, employment discrimination or medical malpractice cases only): Depositions will proceed in whatever order they are noticed.
- PLEASE NOTE: the phrase "all discovery, including expert discovery" means that the parties must select and disclose their experts' identities and opinions, as required by Fed. R. Civ. P. 26(s)(2)(B), well before the expiration of the discovery period. Expert disclosures conforming with Rule 26 of all information except the expert reports must be made no later than December 7, 2007 and will be made simultaneously. Disclosures of the expert reports must be made no later than December 28, 2007. Expert depositions must be completed by February 1, 2008. Supplemental expert reports, if any, must be exchanged no later than February 2, 2008.

6. The following discovery is necessary in order for the parties to be able to consider settlement prior to the completion of all discovery: all document discovery, interrogatories and party depositions, and it will be completed no later than December 21, 2007, after which the parties may request a settlement conference.

7. Any *in limine* motions, as well as proposed *voir dire* questions and proposed jury instructions, shall be served and filed no later than 60 days after the close of discovery. No pretrial order will be required unless specifically ordered by the Court.

8. No motion for summary judgment may be served after the date the pre-trial submissions are due. *The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pre-trial submissions on the assigned date in the absence of an Order providing such relief.* Any opposition to a summary judgment motion shall be served and filed no later than 60 days after service of the motion; reply papers, if any, shall be served and filed no later than 10 days after service of the opposition. Page limits for such motions are governed by the designated Magistrate Judge's individual practices.

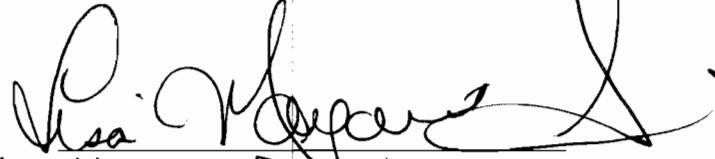
9. Discovery disputes will be resolved under the White Plains Magistrate Judges' standard Discovery Order. The existence of a discovery dispute will not result in any extension of the discovery deadline or trial-ready date.

10. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the time this order is entered. Counsel should not assume that extensions will be granted as a matter of routine.

11. Counsel must confer about the prospect of consenting to the jurisdiction of the designated Magistrate Judge for all purposes, including trial, pursuant to 18 U.S.C. §636(c). If the parties consent, then all proceedings, including trial, will take place before the designated Magistrate Judge. Consent forms for this purpose are available on the Court's website, and consent may occur at any time during the proceedings.

DATED: White Plains, New York  
July 19, 2007

SO ORDERED:



Lisa Margaret Smith  
United States Magistrate Judge